MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I am afraid we cannot do as the member suggests. We can only do this much and that is, we will consider the question of publishing any applications that might be made for the alteration of age. I do not think we can do more than that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, though according to the Account Officer it is very difficult to evade the rules provided by the Service Regulations I think producing a horoscope or any other equivalent is not very difficult from our point of view. It may be that there are not many cases in which officers are allowed to make themselves younger. But the few cases like this attract so much attention of the public, since at a particular psychological moment the officer thinks that he should continue as the head of his department for two or three years more and with this object in view he attempts to correct his age. There are also cases in which officers wish to qualify themselves for additional pension, and this induces them to make similar attempts. Therefore, my point is that, in allowing such applications, the Government should act only on very strong grounds. Unless there are very strong grounds and conclusive proofs to support the officer, the Government should not allow such applications. When there are young men in the service who will be able to turn out more work, why should old men be allowed to continue for their own sake? Indirectly, efficiency also will be affected if such applications are allowed. Therefore, from the point of view of efficiency also, it is necessary that such applications are very carefully scrutinised and strong pieces of evidence insisted upon before such applications are allowed.

With these words, I beg permission to withdraw the motion.

The motion was, by leave, withdrawn.

PRESIDENT: I now put to the vote of the House Demand X—General Administration—Account Office—For Rs. 1·01 lakhs.

The grant was made.

DEMAND XI—ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move for a grant not exceeding Rs. 7·45 lakhs, under Demand XI—Administration of Justice.

Motion 293.

The following motion was deemed not to have been made since the member was absent.

298. MR. T. J. MATHEW

To reduce the allotment of Rs. 58,808 for High Court by Re. 1.

Motion 294.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Sir, I beg to make the following motion:

294. To reduce the allotment of Rs. 58,808 for High Court by Rs. 100.

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My object in moving this motion is to speak about the proposed establishment of two additional temporary Judges' courts. It is on the recommendation of the High Court that these courts are now proposed to be established. That is the reason why I sent in the motion under this head. My point is that it is not necessary to establish these two temporary Judges' courts. It is true, Sir, that the disposal of cases is being delayed too much. It is also true that there is much complaint from the people about this delay. I also have in mind that, last year, the Government on their own initiative sought to appoint a committee to enquire into the cause of this delay and to suggest measures to remedy the same. But due to the fact that the members of the committee and the President were proposed to be given unnecessarily large sums of money as remuneration. this House had to reject the proposal for the appointment of the committee. That committee was not therefore constituted. To avoid the delay in the disposal of cases, the proper thing is not the establishment of additional courts. The real cause has to be understood before any remedy is attempted. My own view is that the complaint is due not to the fact that there are not sufficient number of judges or judicial officers, but to the fact that, at present, the judicial officers are not doing their work with due sense of responsibility. Perhaps it may also be that some of them are also not efficient enough to cope with the work. Under these circumstances, I suggest that the present officers themselves should be made to realise their responsibilities and work better. I believe it is well-known that in several subordinate courts, the presiding officers go to the courts only very late and return early. They are also very idle in the disposal of cases. Cases which involve some sort of labour and difficulty in disposal are usually adjourned and easier cases alone are disposed of just for the sake of showing increased number of disposals.

My next point is as regards the principle that should be adopted in the matter of appointments as judges. As regards promotion of Munsiffs as Judges, Government should not be guided by considerations of seniority alone. I would strongly urge that the present system of recruiting judges by promoting Munsiffs on the basis of seniority is not at all commendable in the interests of efficient administration of justice. Munsifls at the time they are promoted as judges are very often too old to look after the strenuous work expected of them. It is therefore always better to appoint judges either directly from the bar or to choose only capable persons, without adhering to the claims of seniority alone. There will be no injustice in such a proposal, if at the time of their appointment they are made to understand that further promotion, would depend on efficiency and not on service alone.

Another point which I wish to suggest is in regard to the present system of giving time-scales of pay. Increments of pay should be given on grounds of efficiency only. It should depend on the work turned out

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[Mr. K. I. Joseph.]

by each officer. The present system of giving scales of pay according to the period of service is not at all a good one. Persons responsible for giving these increments should first be satisfied that the officers concerned deserve such increments. There should be a system of efficiency-scale instead of a time-scale as at present. These are the points that I urge for the attention of the Government and of the House at present.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With regard to the establishment of two temporary additional Judges' courts, the proposal is to appoint two itinerant courts, with headquarters for the time being at Kottayam and Quilon. I believe Mr. Joseph himself said that there were heavy arrears. Sir, the only remedy for removing arrears that have already accumulated is the appointment of additional courts. Let me in this connection point out the volume of arrears in these two localities. In Quilon alone, there are 481 original suits and about 1900 appeals pending disposal.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Personally, I am satisfied that there are heavy arrears. Therefore, the figures are not necessary so far as I am concerned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will be seen from these figures, Sir, that the arrears are rather heavy since there are about 500 original suits and nearly 2000 appeals to be disposed of. As I already stated, arrears that have already accumulated have to be cleared only by the appointment of additional officers.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not possible to make the present officers do more work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): First of all, they will have to attend to the present work to avoid accumulation of fresh arrears. Secondly, as I have already pointed out, arrears that have already accumulated could not possibly be cleared except by the appointment of additional officers, especially when the arrears are so heavy.

As regards the work of the judges at present, the High Court Judges are doing their best to see that increased disposals are effected by the Presiding Officers of all the courts in the State. The High Court have issued instructions fixing the minimum number of cases to be disposed of by each Presiding Officer within a particular time, and they have also issued strict instructions to effect as speedy disposals as possible. The High Court Judges have also been making surprise visits to see whether the subordinate courts do their work properly and satisfactorily.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether, during such inspections, the High Court have been able to find out the Judges who are not doing proper work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The inspection reports of the High Court are confidential.

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MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know, *generally*, whether they have been able to find out cases of judges not doing their work properly?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have found out some matters which require improvement.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know whether they have made a study of the report of the Laws Delays Committee in Madras and have made any suggestion from that, applicable to Travancore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall answer that question presently.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether the High Court took any action against those judges who were not found to be doing their work properly?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The inspection reports of the High Court, as I have already stated, are confidential. It is not sent even to Government. I have not seen the report myself.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Am I to understand that the Government have no control in the matter and that the High Court is the sole authority?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have the right to interfere and, as a matter of fact, if necessity arises Government interfere and do the needful. But as a rule, they do not interfere with the High Court in regard to the actual work of administration of justice. Cases in which the Government interfere with the High Court are very few.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether the Government could call for the inspection reports of the High Court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government may call for the report when necessity arises. The High Court also send extracts from the reports whenever necessary. But I must say that the reports are more are less confidential. In a general way, the High Court Judges have found that there is room for some improvement.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Do not the Government find that all the Judges are not doing their work properly?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I already submitted, the High Court have stated in a general way that there is room for improvement.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether the Government will be pleased to call for the reports of the inspections made during the course of the last year?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will be considered.

The High Court have been inspecting the subordinate courts periodically and have been issuing the necessary instructions for the proper and speedy disposal of cases.

MR. A. J. JOHN (*Vaikam*): May I know the age of the oldest original suit pending in the Quilon court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There are cases over seven years old.

MR. A. J. JOHN (*Vaikam*): May I know the number of such suits?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There are 20 suits over 7 years old.

As I already submitted, Sir, in regard to the speedy disposal of cases, the High Court have been taking the necessary action. They have been making periodical inspections and issuing necessary instructions to the various judicial officers. But, as for the arrears that have already crept in, they can be removed only by the appointment of additional officers.

MR. C. P. THOMAS (*Nominated*): May I know whether the High Court has informed the Government that, as a result of the arrangements that they have now made, hereafter at least arrears will not accumulate?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The High Court never recommend for the establishment of additional courts unless they are satisfied as to the absolute necessity for the same. Whenever they recommend, the appointment of additional officers they give out the reasons necessitating such appointment.

In regard to the delays, Sir, this House may remember that last year a demand was made for the appointment of a committee to find out the inherent reasons for the delays so that it might be possible to cut at the root of the disease. Unfortunately, the House turned down that proposal, and therefore we are not now in a position to know whether there are any special reasons which contribute to such delays.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Did the House seriously object to the constitution of such a committee itself or only to the amount that was proposed to be paid to the President and to the members of the committee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot answer the question now. I will have to refer to the various speeches made on that occasion. But the fact remains that the House refused to grant this demand. Therefore, we are not now in a position to know the inherent defects, if any, which was responsible for these delays.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know whether they have read the report of the Laws Delays Committee and have come to any conclusion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have read it in a general way, but have not come to any conclusion.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Am I to understand that they were not able to find anything in the conclusions of the Madras committee applicable to Travancore conditions?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I already stated, the High Court have, in a general way read the report of the British Indian Civil Justice Committee. On the ground that their report could not be adopted to local conditions, they recommended for another committee for Travancore.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Do we not, as a matter of fact, bodily copy the British Indian Enactments, word for word in many cases?

MR. KAYALAM PARAMESVARAN PILLAI ((*Additional Head Sirkar Vakil*): We do it only after studying them and ascertaining whether they would be applicable to the conditions here. In the case of the British Indian Committee's report, the High Court stated that, since the conditions of Travancore were different from those obtaining in British India, it would not be possible to make use of the conclusions arrived at by them. They therefore recommended another committee for Travancore. They did not think it necessary to spend a lot of their time in studying the Civil Justice Committee's report, since it was likey that, even after such study, the conclusions of that Committee are found inapplicable to our conditions.

MR. C. P. THOMAS (*Nominated*): May I know whether, during the course of their inspections, it would not be possible for the Judges of the High Court to find out the inherent causes of the delays?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The kind of enquiry that a committee can institute cannot be instituted by the Judges of the High Court. They can only find out whether the existing rules are being properly carried out.

MR. C. P. THOMAS (*Nominated*): Cannot the High Court Judges also find out whether there is any real defect in the practical working of the rules?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The High Court Judges can only see whether the existing rules are worked properly. It will not be possible for them to find out whether the existing rules themselves require amendment. It is quite likely that, to remove this evil, it might be necessary even for changes in the legislation.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Will the Law Member assure this Council that the High Court have read the Madras Laws Delays Committees' Reports and have found it absolutely inapplicable to Travancore conditions?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They said they could not find time to make a study of the report and to ascertain whether the conclusions arrived at by them would be applicable to Travancore conditions.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Am I to understand that they have not studied the report?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They did not study the report. They only read it in a general way because, a study of the whole of the report would require a long time and consequent delay in the disposal of cases pending before them. After all, it might so happen that, even after the study, there is necessity for another committee for Travancore. The High Court therefore did not think it necessary to spend their time on that account, and recommended for a committee for Travancore on the ground that, since the conditions in Travancore are different from those in British India, the conclusions arrived at in British India will not be applicable to Travancore.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What about my suggestion to have an efficiency scale of pay instead of the present time scales?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to that, let me say, Sir, that the notice of his motion did not contain even an inkling of this point.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): For that matter, the notice did not give any information whatsoever.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as my memory goes, it is the Legislative Council that pressed for the time-scale; and it is as a result of representations made to the Government that they took up the matter. Moreover, if an officer is inefficient and unfit, the High Court will certainly take action against him and recommend for his promotion being barred.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Why not the presumption be the other way? Let the High Court Judges recommend increase of pay only in regard to those who are found to be efficient and deserving of such encouragement.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As to which should be the presumption, that is a matter of opinion. An officer who is doing responsible work naturally expects regular increments in his salary.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What about my objection to the promotion of Munsiffs as Judges, as a matter of course?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think, Sir, Mr. Joseph's suggestion is that Judges should be recruited from the Bar. I think this House itself has given its views on this matter on several previous occasions. All that I can say is that the matter would be considered by Government. Government should not be bound by any hard and fast rules that so many must be recruited from the Bar and so many from the department. Even now, Government choose only those who are efficient. They appoint the best men having regard to the claims of service always.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What will happen to the judicial independence of a Judge whose appointment is only temporary?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The High Court will choose the best men available, men of high character and capacity. I do not see any reason why their character or mentality should be affected simply because their posts are temporary.

MR K. I. JOSEPH (*Minachil* cum *Devicolam*): What about my suggestion to have efficiency as the basis for promotion instead of mere seniority?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Efficiency is always taken into consideration whenever an officer is given any promotion.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Has there been any instance in which a more capable officer has been promoted over his less capable seniors?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say that now.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Can the learned Law Member assure us that in case a judge has to look up to Government for confirmation, his judicial indepedence will remain unimpaired?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Every appointment has to go to Government as a matter of course. I do not see any reason why that should affect the efficiency or independence of the officer.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): A Judge is an officer in charge of high judicial functions; and a temporary judge has always to look up to Government for favour of confirmation. As such, will not his independence be affected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Whether it is a case of promotion or of confirmation, orders have to be passed by the Government. That is no reason why the independence of the officer should be affected.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is the Law Member aware that there is agitation, if not here at least elsewhere, that High Court Judges ought not to be eligible for promotion to any higher post?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it not the purport of that agitation that they should not have to look up to any higher post?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even High Court Judges are appointed only by the Government. On that score alone, we cannot say that the officer's independence would be affected.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Do not you think it inexcusable if bias is entertained by the Judges?

MR. KAYALAM PARAMESVARAN PILLAI: (*Additional Head Sirkar Vakil*): I do not think there is any case.

MR. A. K. PILLAI (*Karunagapalli*): If the Government have absolute faith in the character of Judges, why should they make a rule to the effect that relations of Munsiffs or Judges should not appear before them as counsels?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Human beings are liable to err. Apart from the actual justice being meted out, the reputation of the Judge should be safeguarded. Moreover, there should not be any suspicion entertained by the vakil that because a particular vakil is the relative of a particular Judge, the judgment is affected.

I may point out for the information of the House that, in Madras, relatives of Judges are permitted to appear before them as counsels. I believe in other countries also this practice is allowed. Here alone, this is not allowed, merely because the Judges should be above suspicion.

MR. A. K. PILLAI (*Karunagapalli*): What was the ground for the Government to make such a discrimination against the High Court Judges as against those obtaining elsewhere?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no distinction made by law or rules. Here, the High Court Judges themselves have established the practice.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether the Government or the High Court have taken any steps for retiring judicial officers who are not found capable of doing a satisfactory amount of work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say either way at present.

MR. C. P. THOMAS (*Nominated*): With regard to arrears, I wish to know whether it is to appoint a new officer, or transfer some officer to

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a place where there are arrears and thereby those arrears are cleared off?

MR. KAYALAM PRAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot answer that definitely. The High Court have noted this point for consideration.

MR. C. P. THOMAS (*Nominated*): Have the High Court come to understand that it is because of the neglect on the part of officers that arrears swell up?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): One way of clearing off arrears is by means of transferring capable officers to places where they are heavy.

MR. C. P. THOMAS (*Nominated*): Supposing the new officer is practically finishing all the arrears, will not his work show that the previous officer was not up to the mark?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It need not follow that the previous officer was not up to the mark. As everybody knows, efficiency varies with respect to individuals.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Will the member convey the suggestion to the High Court that only Munsiffs 75 per cent. of whose decisions have been confirmed on appeal should alone be promoted as Second Judges?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection to convey this.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Only as a matter of encouragement.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am sure Government will consider this aspect of the matter when promotions of Munsiffs as Second Judges come up.

MR. N. KUMARAN (*Nominated*): Why could not the Government once more come up with proposals for the appointment of a Laws Delays Committee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The whole proposition was voted down last year.

MR. N. KUMARAN (*Nominated*): In view of the speeches made on that occasion, could not the Government come up once more for the entertainment of the Laws Delays Committee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A majority of the members were against such a committee and, as a result, the whole proposition was dropped.

MR. C. P. THOMAS (*Nominated*): Is the member aware that that proposition was voted down because of the large allotment provided for it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The House voted down the whole establishment even.

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MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): The Law Member has stated that the High Court is giving proper instructions to the District Judges concerned for the early disposal of arrears. In view of this, I withdraw the motion.

The motion was, by leave of the House, withdrawn.

Motion 295.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following motion:—

295. To reduce the allotment of Rs. 17,138 for temporary establishment by Rs. 10.

The object of the motion is to suggest certain things to Government in the interests of the people. This temporary establishment is for Civil and Sessions Courts I hear this proposal is to have temporary judges in localities where there are already courts. In the interests of the litigant public, it is desirable to have courts in different localities rather than having courts of the same kind more or less in the same locality. It has been pointed out that there are arrears of work in some of the Civil and Sessions Courts. To clear arrears, and to avoid this, in future, I think capable officers should be appointed in new localities where there are no courts at present. It seems to me that even additional expenditure is not indispensable provided capable men are appointed. My object in bringing his motion is mainly to point out the need for a court at convenient locality in Central Travancore where there is now no such court. In this connection, the Government should also consider the claims of places in which there were courts of the kind in former days and also claims of the people in special localities where other kinds of superior courts do not exist at present. I do not specify any particular place, but the Government should look into the records, number of cases, where they hail from, and open a new court in that locality so that the litigant public may save the trouble of travelling and also expenditure for their travel and stay in outside places.

It may be urged from some quarters that it is not desirable in the interests of the people to create the atmosphere of courts in places where there are no courts of any kind. But so long as there is not even a Munsiff's court or a Magistrate's court or a Bench Magistrate's court, it seems to me, that an atmosphere of litigation must be present in that place. If a court of a higher kind is introduced, I think the atmosphere may become more salubrious and improved. So that then, this kind of objection will not arise. With these few words, I place this motion for the acceptance of the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The temporary additional courts that are proposed to be opened are to be located one in Kottayam and another in Quilon. They are only temporary and hence it is not possible to locate these courts in a place different from the place where there are already courts now in existence. As for the suggestion made by the member that a court should be

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opened at Mavelikara or some place in central Travancore, the High Court are of opinion that it is not necessary to have a separate court in Mavelikara because the court in Quilon is only 32 miles from Mavelikara. Besides, the court in Quilon is more or less situated in a central place and it is really serving the purpose of the litigant public. Anyhow, on the ground of economy also, the High Court came to the conclusion that the present court in Quilon is enough for the purpose.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I only want to bring the claims of fresh places when the Government have decided the opening of the new courts. Since my object is gained, I withdraw the motion.

The motion was, by leave of the House, withdrawn.

Motion 296.

The following motion was not moved :—

MR. P. K. NARAYANA PILLAI.

296. To reduce the allotment of Rs. 17,138 for temporary establishment by Rs. 100.

Motion 297.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*) : I beg to make the following motion : —

297. To reduce the allotment of Rs. 5,08,137 for Civil and Sessions courts by Rs. 4,440.

എന്റെ പ്രമേയം ജില്ലാക്കോടതിയിൽ ഇപ്പോൾ നിയമിച്ചിട്ടുള്ള ഹെഡ് ക്ലാക്കന്മാക്ക് യാതൊരുജോലിയും നിശ്ചയിച്ചിട്ടില്ലാത്തതുകൊണ്ട് അവരുടെ ശമ്പളത്തിനായിട്ട് ബഡ്ജറിൽ നിശ്ചയിച്ചിട്ടുള്ള ര, ര ര o രൂപാ കുറയ്ക്കണമെന്നാണ്. ഇപ്പോൾ ആറ ഹെഡ് ക്ലാക്കന്മാരെ ജില്ലാക്കോടതിയിൽ നിയമിച്ചിട്ടുണ്ട്. അവർ ഇന്നജോലി ചെയ്യണമെന്ന് സിവിൽകോർട്ട് ഗൈഡിൽ വിവരിച്ചിട്ടില്ല. അങ്ങിനെ ജോലിനിശ്ചയിച്ചിട്ടില്ലാത്തവക്ക് ശമ്പളം കൊടുക്കേണ്ട ആവശ്യമില്ലന്നാണ് എന്റെഅഭിപ്രായം. എന്നാൽ സിവിൽകോർട്ട് ഗൈഡിൽ ഏതെങ്കിലും ഒരുഭാഗത്ത് അവർ ഇന്നയിന്ന ജോലിചെയ്യണമെന്ന വിവരിച്ചിട്ടുണ്ടെങ്കിൽ ഈ പ്രമേയത്തെ ഞാൻ പിൻവലിച്ചുകൊള്ളാം.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it because that the Civil Courts' Guide does not contain any mention about the work of the Head Clerks or that the Head Clerks have no work that they are not doing any work ?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*) : മറ്റുള്ളോരുസ്ഥന്മാക്ക്, അതായത് ശിരസ്തദാർമുതൽ കീഴ്പോട്ടുള്ള ജോലിക്കാരിൽ ഇന്നാർ ഇന്നജോലി ചെയ്യണമെന്ന വിവരിച്ചിട്ടുണ്ട്. ഡിക്രി എഴുത്ത്, പകർപ്പെഴുത്ത് മുതലായ ഓരോ വകുപ്പുകളിൽ ഓരോ ജോലിക്കാരെ ഓരോരുത്തക്കും കല്പിച്ചിട്ടുണ്ട്. എന്നാൽ ഹെഡ്ക്ലാക്ക് ഇന്ന ജോലി ചെയ്യണമെന്ന

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[Mr. Kurandipallil R. Raman Pillai.]

ഗൈഡിൽ ഒരു സ്ഥലത്തും പറഞ്ഞിട്ടില്ല. ഹൈക്കോടതിയിലെ ന്യ ജഡ്ജിമാരും ക്ലർക്കി തയ്യാറാക്കിയതും ഒന്നരണ്ടു ജഡ്ജിമാരുടെ വളരെക്കാ ലത്തെ പ്രയത്നഫലമായിട്ടുള്ളതും ആയ ഒരു പ്രമാണമാണ് സിവിൽ കോർട്ട് ഗൈഡ്. അതിൽ സത്യവാങ്മൂലം അവരെക്കൊണ്ട് സാക്ഷി പ്പെടുത്തണമെന്നുമാത്രം പറഞ്ഞിട്ടുണ്ട്. അതിലേക്കു ഇരുവരുടെ ശമ്പളം കൊടുക്കേണ്ട ആവശ്യമില്ല. അതിനാൽ ഈ തുക കുറയ്ക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. N. KUMARAN (*Nominated*): Are not the Head Clerks doing any work at present?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*). ന്യായാധിപന്മാരുടെ ജോലി നോക്കുന്നുണ്ട്. പക്ഷെ അതിന് ഗൈഡിൽ അവരെ അധികാരപ്പെടുത്തിയിട്ടില്ല.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*). സത്യവാങ്മൂലം സാക്ഷിപ്പെടുത്തുന്നത് അവർക്കു ഉപദ്രവമാണൊ?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): അതു ഉപദ്രവമാണെന്നു തോന്നുന്നില്ല. അവരെ അധികാരപ്പെടുത്തീട്ടുണ്ട്.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): അതുകൊണ്ടു ഉപദ്രവം ഉണ്ടൊ?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): പണം കൊടുത്തു വരുന്നതുകൊണ്ടു അവർക്കു ഉപദ്രവം ഒന്നും ഇല്ല. എന്നാൽ അവർക്കു ഇന്നജോലി നിശ്ചയിച്ചിരിക്കുന്നു എന്നു ലാ മെമ്പർ പറഞ്ഞാൽ ഞാൻ പ്രമേയത്തെ പിൻവലിച്ചുകൊള്ളാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe the Head Clerks are attending to office correspondence. I myself have seen them attending to filing of cases, filing of appeals, etc. The fact that they have work is positive.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Does the Civil Courts' Guide make mention as to the work of the other subordinates?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). It does not lay down.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): ഞാൻ എഴുതിക്കൊടുത്ത മോഷനിൽതന്നെ പറഞ്ഞിട്ടുള്ളതു ഹെഡ് ക്ലാർക്കന്മാരുടെ ശമ്പളം കുറയ്ക്കണമെന്നാണ്.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am just looking into the Civil Courts' Guide at random and I find that the duty of the head ministerial officer alone is specifically mentioned.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): But the Sheristadar is the head ministerial officer and not the Head Clerk.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is what I say. The duty of the head ministerial officer alone is mentioned. I believe, in the Civil Courts' Guide not merely the work of the Head Clerk but also of other clerks, peons, duffadars and mochees is not mentioned. If my friend had given me previous notice of the subject about which he spoke just now I would have gathered more information.

MR. N. KUMARAN (*Nominated*): May I ask the Law Member whether the Head Clerk is not doing the heavy and responsible work of the Nazir?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What I submit is that in the absence of specific notice, I am not able to detail the quantity and quality of the work done by the Head Clerk.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): ഈ ഹെഡ്ക്ലാർക്ക് കർത്തവ്യമെന്നു പറയുന്നതു നാജരുടെ ജോലിയാണു്. പക്ഷെ അവർ ഏതധികാരത്തിന്മേലാണു് ഈ ജോലി ചെയ്യുന്നതെന്നാണു് എനിക്കറിയേണ്ടതു്. ഇവർ നാജരുടെ ജോലി ചെയ്യണമെന്നു റൈഡിൽ ഒരു ഭാഗത്തും പറഞ്ഞുകാണുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is there any Nazir besides the Head Clerk?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): നാജർ ഇല്ല.

MR. N. KUMARAN (*Nominated*). Is that work assinged to any particular clerk in the District Court?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): നാജർജോലി മാത്രം ഇവർ ചെയ്താൽ മതിയെങ്കിൽ അതിലേക്കു ഒരു ശമ്പളംകൊടുത്തു ഇവരെ വച്ചുകൊണ്ടിരിക്കേണ്ട ആവശ്യമില്ലെന്നാണു് എന്റെ അഭിപ്രായം.

PRESIDENT: Are you making a speech or are you making enquiries?

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): I want an explanation from the member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As the member himself admits that the Head Clerk is doing some work, I think the amount required for the Head Clerk has to be provided for.

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PRESIDENT : Are you in possession of the House ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The member was only making some enquiries.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*) : എന്റെ പ്രമേയത്തിനു ശരിയാ മറുപടി ലാമെമ്പർ പറഞ്ഞില്ലെങ്കിലും ഗൈഡിൽ ഉള്ള ഒരു അബദ്ധത്തെ വെളിപ്പെടുത്തിക്കൊണ്ട് എന്റെ പ്രമേയത്തെ പിൻവലിച്ചിരിക്കുന്നു.

Motion 298.

The following motion was not moved :—

MR. KURANDIPALLIL R. RAMAN PILLAI :

298. To reduce the allotment of Rs. 5,08,137 for Civil and Session Courts by Rs. 3.

Motion 299.

The following motion was deemed not to have been moved as the member was absent :—

MR. T. J. MATTHEW :

299. To reduce the allotment of Rs. 5,08,137, for Civil and Sessions Courts by Re. 1.

Motion 300.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : Sir, I beg to move the following motion :—

300. To reduce the allotment of Rs. 5,08,137 for Civil and Sessions Courts by Rs. 10.

Sir, my object in introducing this motion is to bring home to the Government the necessity for opening a Munsiff-Magistrate's Court at Arukutti. Time and again, Sir, has this fact been brought to the notice of this House as well as the Assembly by means of representations and also with notices of the Chief Justice by means of deputations. Yet we have not received any satisfactory reply. I hope the Law Member himself is personally aware of the difficulties of the people of the place to conduct their Civil and Criminal cases. If a court is established at the northern end of Shertallai, it will benefit the villagers of Turavur North, Arur, Mattathilbhagom, Panavalli and Taikattucheri.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : How far are they now from the Shertallai Munsiff's Court ?

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : I will tell the member Now the civil cases are taken to Vaikam which is eleven miles from Arukutti and criminal cases are conducted at Shertallai which is fourteen miles from Arukutti. Therefore, people have to experience serious hardship, especially in the absence of proper communications. In going to these places, they have to cross two dangerous lakes, the Vembanad and the Muttam which are always boisterous. It is rather a distressing sight to see old men coming back with hollow eyes and wrinkled brows after conducting cases and starving the previous day. It may be argued that establishment of a court at Arukutti may entail additional expenditure. But what I say is that some years back there

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was a Magistrate's court at Arukutti and the building there is vacant. This building may safely be used and thereby no additional expenditure has to be incurred on that account. Temporary courts are established sometimes at Vaikam, at other times at Shertallai ; and sometimes at other places. Therefore if one of these courts is transferred to Arukutti, that will be of great service to the people there. Two years ago, when I moved the matter, the learned Law Member on the other side answered that the question would be considered. The matter has not yet been considered. I believe this time at least the matter will be considered and a favourable decision arrived at.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As my friend did not give specific notice of the point he had in mind, I am not able to call for the file on the subject and look it up. I am sorry I am not in a position to say definitely what has become of the proposal. Yet as Mr. Panikkar wants only that the matter should be considered, I assure him that the matter will be considered.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : I want that to be favourably considered.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : ഈ ഉപക്ഷേപത്തെ പിൻതാങ്ങുന്നതോടുകൂടി മിസ്റ്റർ ശിവരാമപ്പണിക്കരുടെ അഭിപ്രായത്തോട് ഞാൻ പൂർണ്ണമായി യോജിച്ചുകൊള്ളുന്നു.

തിരുവിതാംകൂറിലുള്ള പല കോടതികളിലും കേസ്സു ഫയലാകുന്ന ക്രമം വ്യത്യാസപ്പെട്ടാണു കാണുന്നതു്. ഒരു കോടതിയിൽ ൧൫൦൦ കേസു പതിയുന്നുണ്ടെങ്കിൽ വേറെ ഒരു കോടതിൽ ൫൦൦ കേസ്സുമാത്രമേ പതിഞ്ഞുകാണുകയൊള്ളു. ഉദാഹരണമായിട്ടു ഒന്നു രണ്ടു സംഗതികൾ പറയാം. കുണ്ടറ മുൻസിഫ്കോർട്ടിൽ ഒരു മുൻസിഫിനു വേണ്ട ജോലിയില്ല. ൪൦൦ കേസ്സുകളോളം മാത്രമേ പതിയുന്നൊള്ളു. അടൂർ മുൻസിഫ്കോർട്ടിൽ ൯൦൦ കേസുകളിലധികം പതിയുന്നില്ല. ചെങ്ങന്നൂർ മുൻസിഫ്കോർട്ടിൽ ൧൫൦൦ തിരുവല്ലാ മുൻസിഫ് കോർട്ടിൽ ൧൯൦൦ ചങ്ങനാശ്ശേരി മുൻസിഫ്കോർട്ടിൽ ൫൦൦ കേസ്സുകളാണ് പതിയുന്നതു്. എന്നാൽ ജോലി ധാരാളമുള്ള മുൻസിഫിനും ജോലി തീരെയില്ലാത്ത മുൻസിഫിനും ഉള്ള ശമ്പളക്രമം ഒന്നുപോലെയാണു. മുൻസിഫന്മാർക്കു ശമ്പളം കുറവാണു് അതു കൂട്ടികൊടുക്കണമെന്നുള്ള അഭിപ്രായം എനിക്കില്ല.

എന്നാൽ ഇപ്പോഴുള്ള കോടതികളുടെ അധികാരാതൃത്തിയെ ഭേദപ്പെടുത്തി രണ്ടാമതു ഒരുദ്യോഗസ്ഥനെ നിയമിക്കയാണെങ്കിൽ മുൻസിഫ്കോടതി അത്യന്താപേക്ഷിതങ്ങളായ പ്രദേശങ്ങളിൽ സ്ഥാപിക്കുന്നതിനും സാധിക്കുന്നതിനും പുറമേ അനേകം മുൻസിഫ്കോർട്ടുകളെ കുറയ്ക്കാവുന്നതുമാണു്, പലസ്ഥലങ്ങളിലും മുൻസിഫ്കോടതിയുടെ ആവശ്യമുണ്ടു്.

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[Mr. Kallur Narayana Pillai.]

അരുക്കുറ്റിയിലും, പത്തനംതിട്ടയിലും ഓരോ മുൻസിഫ് കോടതിയുടെ ആവശ്യം ഒഴിച്ചുകൂടാൻ നിവൃത്തിയില്ലാത്തതാണ്. അട്ടർ മുൻസിഫ് കോർട്ടിലും, കൃഷ്ണപുരം മുൻസിഫ് കോർട്ടിലും ഒരു മുൻസിഫിനു തക്ക ജോലി ഇല്ലാത്തതുകൊണ്ട് ആ രണ്ടു കോടതിയും മാറ്റി പത്തനംതിട്ടയിലും അരുക്കുറ്റിയിലും സ്ഥാപിച്ചാൽ ജനങ്ങൾക്കു വളരെ സൌകര്യപ്രദമായിരിക്കും. അതിനാൽ കൊട്ടാരക്കര മുതൽ വടക്കോട്ടു പറവൂർ വരെയുള്ള എല്ലാ മുൻസിഫ് കോടതിയുടേയും അധികാരാധിത്തിയെ ഗവണ്മെൻറു രണ്ടാമതും ഒന്നു നിർണ്ണയിക്കണമെന്നാണ് എൻറെ അഭിപ്രായം. ഇതിൽ ഹൈക്കോടതിയുടെ ശുദ്ധയേയും ക്ഷണിച്ചുകൊള്ളുന്നു. അരുക്കുറ്റിയിലും പത്തനംതിട്ടയിലും ഓരോ മുൻസിഫ് കോടതി സ്ഥാപിച്ചുകൊടുക്കുന്നതു സൌകര്യപ്രദമായിരിക്കുമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ മിസ്റ്റർ ശിവരാമപ്പണിക്കരുടെ ഉപക്ഷേപത്തെ പിന്താങ്ങുന്നു.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): I beg to withdraw the motion.

PRESIDENT: Does the House permit the motion to be withdrawn?

The motion was, by leave of the House, withdrawn.

Motion 301.

MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*): സിവിൽ നീതിന്യായ വകുപ്പിലേക്കു അനുവദിച്ചിട്ടുള്ള ൫൦,൦൦൦ രൂപായിൽ നിന്നും ൧൦൦൦ രൂപാ കുറയ്ക്കണമെന്നാണ് എൻറെ പ്രമേയം. ഈ പ്രമേയത്തെ ഇവിടെ ഹാജരാക്കി അതിനെപ്പറ്റി സംസാരിക്കുന്നതിനു തന്നെ എനിക്കു വളരെ ലജ്ജതോന്നുന്നുണ്ട്. അതിവർഷകാലത്തു് പുഴകളിൽക്കൂടി ഭയങ്കരമായനിലയിൽ ഊക്കോടുകൂടി വെള്ളം കീഴ്പ്പോട്ട് ഒഴുകിക്കൊണ്ടിരിക്കുന്ന അവസരത്തിൽ ഒരാൾ അതിൻറെ വക്കത്തുചെന്നു നിന്നുകൊണ്ട്: 'ഇനിമേൽ ഈ വെള്ളം മേല്പോട്ട് ഒഴുകട്ടെ' എന്നു പറയുന്നതുപോലെയാണ് ഇംഗ്ലീഷുഭാഷയിൽ എഴുതിവരുന്ന ജഡ്ജിമെൻറുകളെ മലയാളത്തിലുംകൂടി ഒരു കാപ്പി എഴുതണമെന്നു പറയുന്നതു്. എന്നാൽ ഇതുനിമിത്തം ജനങ്ങൾ അനുഭവിക്കുന്ന കഷ്ടപ്പാടുകളെപ്പറ്റി സ്വല്പം പറയാതിരിക്കാൻ നിവൃത്തിയില്ലാ. അതു സാധ്യമായി കിട്ടുമെന്നുള്ള വിചാരം എനിക്കു ലവലേശമില്ല. എന്നിരുന്നാലും ആ സംഗതിയെപ്പറ്റി ഈ കൌൺസിലിൻറെ മുമ്പാകെ അവതരിപ്പിക്കേ

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ണ്ടതു് അത്യാവശ്യമാണെന്ന തോന്നിയതുകൊണ്ടു മാത്രമാണു് അതി ലേക്കു ഞാൻ ഉദ്യമിച്ചതു്.

ഈ രാജ്യത്തു നീതിന്യായക്കോടതികൾ സ്ഥാപിച്ചിട്ടുള്ളതു് മനുഷ്യരുടെ അവകാശങ്ങളെ സംരക്ഷിക്കുന്നതിനും നീതിന്യായങ്ങളെ പരിപാലിക്കുന്നതിനുമായിട്ടാണു്. എന്നാൽ ഈ കോടതികളുമായിട്ടു് ധാരാളം പെരുമാറുന്ന ജനങ്ങളിൽ നൂറിനു് തൊണ്ണൂറെട്ടു് ശതമാനവും ഇംഗ്ലീഷ് ഭാഷ പരിചയമില്ലാത്തവരാണു്. ഈ കോടതികളിൽ ഫയലാക്കുന്ന കേസുകളും അന്യായങ്ങളും പത്രികകളും എല്ലാം മലയാളവുമാണു്. അപൂർവം ചിലതിൽ വ്യത്യാസം ഉണ്ടായേക്കാം. അതു ഞാൻ അത്രവളരെ തള്ളിച്ചിട്ടില്ലാ. ഈ കേസുകൾ നടത്തുന്നതിനെസംബന്ധിച്ചു നോക്കിയാൽ കക്ഷികളുടെ മൊഴിയും സാക്ഷികളുടെ മൊഴിയും വിസ്താരവും മുഴുവൻ മലയാളത്തിലാണു്. ഇങ്ങിനെ ഒരു കേസ് ഫയലാക്കിയതുമുതൽ അവസാനംവരെയുള്ള മലയാളത്തിൽ എഴുതീട്ടുള്ള ഭാഗങ്ങളെ നോക്കി മലയാളത്തിൽ മനസ്സിലാക്കീട്ടാണു് ഇംഗ്ലീഷിൽ ഒരു ജഡ്ജിമെൻറു് എഴുതുന്നതു്. മലയാളത്തിലുള്ള അന്യായം, സാക്ഷിമൊഴി, പത്രിക, ഇവകളെ മലയാളത്തിൽ മനസ്സിലാക്കാമെങ്കിൽ, മലയാളത്തിൽതന്നെ ഒരു ജഡ്ജിമെൻറു് എഴുതുന്നതിനു് പ്രയാസം എന്താണുള്ളതു്?

ഇങ്ങിനെ ചെയ്യാത്തതുകൊണ്ടു് ജനങ്ങൾക്ക് സങ്കടം ഉണ്ടാകുന്നുണ്ടോ എന്നു് നോക്കിയാൽ അവക്ക് വലുതായ സങ്കടങ്ങൾ ഉണ്ടാകുന്നുണ്ടു് എന്നു കാണാം. എങ്ങിനെയെന്നാൽ ഒരു കേസ് വിധിയായതിൻശേഷം അതിലെ കക്ഷി, ഇംഗ്ലീഷിൽ എഴുതിയ ജഡ്ജിമെൻറു് വാങ്ങിക്കുന്നു. കക്ഷിയ്ക്കു ഇംഗ്ലീഷ് അറിയാൻ പാടില്ലാത്തതിനാൽ അതിനെ തർജ്ജിമചെയ്യുന്നതിനു് ഒരാളിൻെറ പക്കൽ കൊടുക്കുന്നു. ഇവയെ മലയാളത്തിൽ തർജ്ജിമചെയ്യുന്നതിനുതന്നെ അവക്കു വളരെ ബുദ്ധിമുട്ടാണു്. എങ്കിലും തർജ്ജിമചെയ്യിക്കാൻ പ്രത്യേകിച്ചൊരു ഫീസ് അതായതു് എട്ടോ പത്തോ രൂപാ ഫീസ് കൊടുക്കേണ്ടിവരുന്നു. ഇങ്ങിനെവരുമ്പോൾ സാധുക്കൾ വിഷമിക്കാതെ നിവർത്തിയില്ല. ഈ വിധത്തിലാണു് ഇതിലുള്ള കുഴപ്പം.

കോർട്ടുഫീസുവകയിലും വക്കീൽഫീസ് വകയിലും വലിയ ഒരു സംഖ്യ ചിലവു ചെയ്താണു ഈ കക്ഷികൾ കേസുനടത്തുന്നതു്. അതുക അവരുടെ പത്തും പന്ത്രണ്ടും വർഷത്തെ അതിപ്രയത്നഫലവുമായിരിക്കും. ഇതുയും കഷ്ടപ്പെട്ടതിൻെറശേഷവും വിധിപ്രസ്ഥാപിച്ചതു്

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[Mr. C. N. Tuppan Namputiri.]

ഗുണമൊ ദോഷമൊ എന്ന് അവക്കു മനസ്സിലാക്കാൻ നിവൃത്തിയില്ലാ. അപ്പീൽക്കോടതികളിൽ കൊടുക്കാൻ തക്കന്യായമുണ്ടൊ എന്നു കക്ഷികർക്കു തന്നിയെ മനസ്സിലാക്കാൻ സാധിക്കുന്നുമില്ലാ. വക്കീലന്മാരെ കൊണ്ടു കാണിച്ചാൽ അപ്പീൽ കൊടുക്കാൻ ന്യായമില്ലെങ്കിലും ന്യായമുണ്ടെന്നും കൊടുക്കണമെന്നുംതന്നെ പറയും. അതിനുള്ള ന്യായമെന്താണെന്നു ചോദിച്ചാൽ വക്കീലന്മാരും പറയുകയില്ലാ. അതെല്ലാം കേസിൽ പറഞ്ഞുകൊള്ളാമെന്നും പറയും. ഈ മാതിരി അനേകം ബുദ്ധിമുട്ടുകൾ ജനങ്ങൾക്കുണ്ടാകുന്നുണ്ട്.

അതിനാൽ നീതിന്യായക്കോടതികളിൽ പ്രസ്ഥാവിക്കുന്ന ജഡ്ജിമെൻറ് മലയാളത്തിലുംകൂടി ആക്കണമെന്നാണ് എൻെറ അഭിപ്രായം. മലയാളത്തിൽ മാത്രം മതിയെന്ന് പറയുന്നില്ല. അതു സാധ്യവുമല്ല. എന്നാൽ മലയാളത്തിലുംകൂടി ശരിയായ ഒരു പകർപ്പ് എഴുതിക്കണമെന്നാണ് എൻെറ അഭിപ്രായം.

MR. K. K. THOMAS (*Kottayam*): തർജ്ജിമചെയ്യുന്നതിന് ഒരു ഫീസു വയ്ക്കാമൊ?

MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*): കക്ഷികൾ കോർട്ടുഫീസു പ്രത്യേകം കൊടുക്കുന്നതുകൊണ്ട് ഈ തർജ്ജിമക്ക് ഫീസു പ്രത്യേകം കൊടുപ്പിക്കേണ്ട ആവശ്യമില്ലല്ലൊ.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): മലയാളത്തിൽ ജഡ്ജിമെൻറ് എഴുതണമെന്ന വ്യവസ്ഥ ഉള്ളതു മെമ്പർ മനസ്സിലാക്കീട്ടുണ്ടൊ?

MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*): ഉണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Tuppan Namputiri's point seems to be that for want of a Malayalam translation of judgments, people are put to great hardship. Let me inform him that, on application, the court will give a translation of the judgment on payment of fees. Under the law, the judgment may be in the language of the court or in English. Having regard to the fact that most of us are trained in English, the judgment is delivered in English.

MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*): മലയാളത്തിൽ ജഡ്ജിമെൻറ് എഴുതാനുള്ള വിഷമം എന്താണ്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even now, the law is that the judgment may be in the language of the court or in English, but in practice it is more convenient to

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write in English because you can express it better in English. (*Laughter.*)

PRESIDENT: Mr. Paramesvaran Pillai, please speak in Malayalam

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ മലയാളത്തിൽതന്നെ പറയാം. ചട്ടം അനുസരിച്ചു ജഡ്ജിമെൻറ് ഇംഗ്ലീഷിലൊ കോർട്ടുഭാഷയിലൊ എഴുതാം. എന്നാൽ ഇപ്പോഴും ഇംഗ്ലീഷിൽ എഴുതിവരുന്നതിനുള്ള കാരണം യോജിച്ച പദം മലയാളത്തിൽ കിട്ടാത്തതുകൊണ്ടാണ്.

MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*): സിവിൽ കോടതികൾ ഉണ്ടായിട്ട് എത്ര കൊല്ലമായി?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): സിവിൽ കോടതികൾ ഏർപ്പെടുത്തീട്ടു വളരെക്കാലമായി.

MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*): അന്നു നീതിന്യായം നടക്കാറില്ലായിരുന്നോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇംഗ്ലീഷിൽ എഴുതിയാൽ മാത്രമെ നീതിന്യായം നടക്കുകയുള്ളു എന്നു ഞാൻ പറഞ്ഞില്ലാ. ഇംഗ്ലീഷിൽ എഴുതി ശീലിച്ചവക്ക് ഇംഗ്ലീഷിൽ എഴുതിയാൽ മാത്രമെ മനസ്സിലുള്ള അഭിപ്രായം മുഴുവനും പുറത്തു വരാൻ സാധിക്കുകയുള്ളു.

MR. K. K. THOMAS (*Kottayam.*): മുമ്പു മലയാളത്തിലൊ ഇംഗ്ലീഷിലൊ ജഡ്ജിമെൻറ് എഴുതിവന്നതു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In Malayalam.

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): Who is in possession of the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am in possession of the House.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): What about the translation and who will translate the judgment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The translation will be made by an expert.

All that difficulty can be obviated by the payment of a small fee.

MR. A. K. PILLAI (*Karunagapalli*): I think it is very necessary to declare Malayalam as the official language. We have been noticing how difficult it was for some members to speak in English and for some members to understand English. Even if there be only a few members who cannot understand English, it is very unfair to them. I think if we are asked to speak in Malayalam, we shall be better able to express our views.

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PRESIDENT: The point raised by Mr. A. K. Pillai relates to the rule in the case of two members who do not understand English quite well, that is Mr. Tuppan Namputiri and Mr. Tariatu Kunjitomman and all the other members who have elected to speak in Malayalam have a creditable knowledge of English.

MR. A. K. PILLAI (*Karunagapalli*): I was just pointing out an instance with which we are all conversant, *viz.*, the difficulty in not speaking in Malayalam. But I wish to know why Malayalam should not be declared as official language to be used in courts and in the Legislative Council and in all official proceedings. That is my submission.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I also support the principle of the motion. May I speak in Malayalam about it?

PRESIDENT: No.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): It has been acknowledged by Mr. Kayalam Paramesvaran Pillai that judgments can be written in the language of the courts, that is Malayalam. It may be sometimes Tamil in South Travancore where it is the language used in courts. In olden days, judgments used to be written in Malayalam and it is regrettable to find that that practice has gone out of use. The old practice should be renewed and, for this purpose, I would suggest the following methods. First, in the selection of judicial officers, people with the knowledge of the language of the country should be preferred because it is obvious that courts of law are established for the benefit of the people and not for the benefit and the convenience of the judicial officers. I would say that the convenience of the judicial officers to express themselves should be subordinate to the convenience of the people. The second point is that even though many of the officers are capable of doing it, they do not take the trouble of writing judgments in Malayalam as they regard it something not worth their while. That should be discouraged and the Government should ask all the officers who know Malayalam or Tamil to write their judgements in the language of the country. With these words, I support the motion.

MR. K. K. THOMAS (*Kottayam*): What should be the language of the judgments in the case of a man who knows only Gujarati and does not know Malayalam?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): When he lives in a country where the general language is Malayalam or Tamil and if he does not know either of them, he should take the chance.

MR. A. J. JOHN (*Vaikam*): What is to be the case of a man coming from a place where Malayalam alone is written?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I cannot hear.

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MR. C. N. TUPPAN NAMPUTIRI (*Jenmies*) : ഞാൻ പ്രമേയം പിൻ വലിച്ചിരിക്കുന്നു.

The motion was, by leave, withdrawn.

Motion 302.

The following motion was deemed not to have been moved as the member was absent ;—

MR. TARIATU KUNJITOMMAN :

302. To reduce the allotment of Rs. 5,08,137 for Civil and Sessions Courts by Rs. 100.

Motions 303 and 304.

The following motions were not moved:—

MR. K. MADHAVAN PILLAI :

303. To reduce the allotment of Rs. 5,08,137 for Civil and Sessions Courts by Rs. 100.

MR. K. I. JOSEPH :

304. To reduce the allotment of Rs. 5,08,137 for Civil and Sessions Courts by Rs. 100.

Motion 305.

The following motion was deemed not to have been made as the member was absent :—

MR. T. J. MATHEW :

305. To reduce the allotment of Rs. 28,500 for Magistrates by Re. 1.

Motion 306.

MR. G. NARAYANA PILLAI (*Tiruvalla*) : Sir, I beg to move the following motion :—

306. To reduce the allotment of Rs. 97,100 for Criminal Courts by Rs. 10.

Sir, I have already given notice of my object in bringing this motion, *viz.*, that it is to discuss the necessity of re-establishing a Magistrate's court at Tiruvalla. During the time of the last Budget Session, I drew the attention of the Government to this subject and I was told that the question was engaging the attention of the Government. I do not know whether any decision has been come to. I also sent up an interpellation regarding this, but it has not been answered. With the object again of impressing upon the Government the necessity of locating a Magistrate's court at Tiruvalla, I make the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The matter is still under the consideration of the Government. As I told the House last time, a deputation waited on the Dewan and it seems that he replied that it was a matter which requires consideration since the Court was once shifted from Tiruvalla. I also understand that the Dewan has also promised that he would visit the locality before coming to a decision.

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MR. G. NARAYANA PILLAI (*Tiruvalla*): On the assurance of the Law Member that the matter is under the consideration of Government, I withdraw my motion.

The motion was, by leave, withdrawn.

Motion 307.

The following motion was deemed not to have been moved as the member was absent :—

MR. C. P. KOCHUKUNJU PILLAI :

307. To reduce the allotment of Rs. 97,400 for Criminal Courts by Rs. 10.

Motion 308.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Sir, I beg to move the following motion :—

308. To reduce the allotment of Rs. 97,400 for Criminal Courts by Rs. 100.

The object in moving this motion is to suggest that the administration of Criminal Justice may be left with officers who are entirely under the control of the High Court. Great difficulties are now being felt by leaving it divided between the Sessions Courts, on the one hand and the Sub-Magistrates on the other. The District Magistrates and the Sub-Magistrates are executive officers and they are under the direct control of the Government. In cases where Government interests are involved, people may find it difficult to get fair justice done to them at the hands of these officers. Even otherwise, for the convenience of the administrative machinery itself, I think it is better to entrust the whole administration under the direct control of the High Court itself. It is with this object that I have primarily brought forward this motion.

I may however add another point and that is about the recruitment of the Magistrates. It is better to recruit them direct from the vakils or others who have got actual experience of the working of the criminal law. The present system of recruitment from among the clerks is, I think, not quite satisfactory. These are the only two points that I have to urge for the consideration of the House in regard to this motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, as for the administration of the criminal justice being left entirely under the administration of the High Court, I must submit for the information of the House that it is now entirely under the High Court. The High Court have got the power of revision of every criminal case in the country. As it is, under the law, an appeal is presented to the District Magistrate or the Sessions Courts and the High Court has got the power of revision. So, the Government or the executive have no voice in the administration of criminal justice. Probably, what Mr. Joseph wants is the separation of the Revenue Department from the Judiciary. I may say that it is to a certain extent being done by the appointment of Stationary Magistrates, as far as possible.

With regard to the recruitment of Magistrates from the Bar, I beg to say that the matter was fully debated at the last session and the House

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recorded its vote. It was said on that occasion that no hard and fast rule could be laid down and that the recruitment has to be made from the services for two reasons. Firstly, efficient Magistrates cannot be had for a pay of Rs. 125 and, secondly, if these appointments were taken from the services, the few chances of promotion for the clerks in the Secretariat and other offices will be lessened.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not better to divest the Magistrates of their revenue work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is being done now.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not possible to make a complete separation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is possible, but it is not expedient. Having regard to certain localities, it is not possible to establish a Stationary Magistrate's Court where there may not be enough work for a magistrate. Wherever it will be advantageous in the interests of economy, that work is combined with the revenue work. But the object is to separate it from the executive officers as far as possible.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What about District Magistrates' powers being entrusted to the Sessions Judges?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As the law stands at present, the appellate power goes to the District Magistrates and Mr. Joseph is quite welcome to bring an amending Bill.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I am asking the opinion of the Government on the matter. If the Government think there is a necessity, Government can themselves do the needful.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no demand whatever for that, and they are neutral as to whether appeals are heard by the District Magistrates or by District Judges. If the House thinks that they should come up before the Sessions Judge, it may be considered.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the objection to the opening of more Munsiff-Magistrates' courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will depend upon the question of recruitment. Whenever it is possible, it is done so. For instance, in Neduvangad which my friend represents, it has been done.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Seeing that many of the non-official members are absent, I do not press the motion even though I am not satisfied with the arguments of the Law Member.

The motion was, by leave, withdrawn.

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Motions 309 and 310.

The following motions were not moved:—

MR. K. I. JOSEPH:

309. To reduce the allotment of Rs. 10,346 for Law College and Hostel by Rs. 100.

MR. KALLUR NARAYANA PILLAI:

310. To reduce the allotment of Rs. 1,500 for Superintendent by Rs. 100.

Motion 311.

The following motion was deemed not to have been moved as the member was absent:

MR. P. K. NARAYANA PILLAI:

311. To reduce the allotment of Rs. 7,483 for establishment by Rs. 100.

Motions 312 and 313.

The following motions were not moved:—

MR. KALLUR NARAYANA PILLAI:

312. To reduce the allotment of Rs. 33,100 for Law Officers by Rs. 10.

MR. K. P. NILAKANTA PILLAI:

313. To reduce the allotment of Rs. 33,100 for Law Officers by Rs. 100.

Motion 314.

The following motion was deemed not to have been moved as the member was absent:—

MR. S. PIRAVIPERUMAL PILLAI:

314. To reduce the total allotment of Rs. 7·45 lakhs under Demand XI by Re. 1.

Motion 315.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following motion:—

315. To reduce the total allotment of Rs. 7·45 lakhs under Demand XI by Rs. 10.

Sir, the object of my motion is to ventilate the complaints of the people about the administration of justice and to suggest remedies. It has been brought to the notice of the Government in this House that there is much delay in the disposal of cases and that there is a great deal of errors or irregularities in courts. There is also a complaint amongst the people that many of the judicial officers are not above corruption. So, these are the complaints which have to be dealt with by the Government. Under the present circumstances, it is not an easy thing to prove corruption on the part of a particular officer. But the Government can, to a very great extent, remove such complaints by a judicious selection of officers and also by dealing with incompetent and corrupt officers in a summary fashion. In this connection, I should like to make an observation about the propriety of applying the term punishment to the case of dispensing with the services of an officer. I do not think that it is a punishment. If an officer is found to be incapable of doing the work entrusted to him or if his conduct is found to be very unsatisfactory to

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the public, generally, who are concerned with him, it is not a punishment to send him away. It is a different thing if an officer is prosecuted and punished and in this case, there are legal forms of procedure which have to be strictly observed. But, in the case of dispensing with the services of an officer, it is a matter which may be done by the Government. That is one step which the Government can adopt for removing the complaints of the people in this respect. Another thing that can be done is that the Government should institute a system of trial by jury. These things can be tried. The first method especially is a thing which every civilised Government is following.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it for the Travancore State that the member is suggesting the jury system?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): The jury system was in existence in England when England was far behind the present Travancore in civilisation. Therefore, that is no objection. People can only get the amount of justice that they more or less deserve. We have people who are more or less competent for doing the work of juries. But, as it is, we are very often getting less than what we deserve. So, if the people are also given a chance of doing the work and of more or less knowing what is going on in courts in a small way, at least properly influence the workings of the court, I think it will be a healthy thing. To bring these points to the serious consideration of the Government, I beg to move the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, three points have been raised by Mr. G. Raman Menon, One is in regard to delay in the matter of cases. In regard to that, I have already stated that the High Court are considering it. I do not think that I should say anything more in this connection. The second point he raised was with regard to corruption. I think there was a good deal of discussion in regard to corruption yesterday. I do not think that the question should be debated upon today also. The third point he raised was with regard to trial by jury. The system of trial by jury was—

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Did they speak anything about corruption in the Judicial Department at any time during the discussion yesterday?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirka Vakil*): I am speaking generally. It was stated in the course of the discussion yesterday that there was corruption generally among the officers. If any specific method of corruption was said to be obtaining in the Judicial Department, I would have now replied to that. Regarding trial by jury, a Bill was introduced into the Council twenty years ago and it was thrown out by the Council. For my part, I do not think there will be any use in introducing that system, as it has been found to be unnecessary by the Council. If the member thinks that it is necessary, he may bring forward an amending Bill for introducing the system of trial by jury.

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MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : സർ, സിവിൽ നീതിഭരണത്തിൽ ജനങ്ങൾക്കു നേരിടുന്ന പല സങ്കടങ്ങളെ പറ്റിയും പ്രസ്താപിക്കാനുണ്ട്. എന്നാൽ മിസ്റ്റർ രാമൻമേനവൻ അഭിപ്രായപ്പെട്ടതുപോലെ ജൂഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറുദ്യോഗസ്ഥന്മാരുടെയിടയിൽ "കറപ്ഷൻ" ഇല്ലെന്നാണ് എന്റെ അഭിപ്രായം.

ഈ ഡിപ്പാർട്ടുമെൻറിൽനിന്നും ജനങ്ങൾക്കു നേരിടുന്ന സങ്കടങ്ങളെ ഹൈക്കോടതി നിഷ്കർഷയായി ഉത്തരവുകൊടുത്തു പരിഹരിക്കേണ്ടതാണ്. കോടതികളിൽ സാക്ഷികൾ കൊടുക്കുന്ന മൊഴി കക്ഷിയേയൊ വക്കീലന്മാരേയൊ വായിച്ചു കേൾപ്പിച്ചിട്ടാണൊ ഒപ്പിടുവിക്കുന്നതെന്ന സംഗതി ഹൈക്കോർട്ടിൽനിന്നും ഒന്നന്വേഷിക്കണം. "മൊഴി വായിച്ചുകേട്ടു. ശരി" എന്നു കടലാസിൽ കാണുന്നതല്ലാതെ അങ്ങനെ നടക്കാറില്ല.

MR. G. RAMAN MENON (*Mavalikara cum Kartikapalli*) : അതിനു ജൂഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറുകാർ ഉത്തരവാദികളല്ലെ?

MR. KULLUR NARAYANA PILLAI (*Pathanamthitta*): അതേ. കോടതികളിൽ കൊടുക്കുന്ന മൊഴി ഏതുപ്രകാരത്തിൽ രേഖപ്പെടുത്തുന്നു എന്നു അതിനു് അടയാളസഹിതം പകർപ്പുവാങ്ങിച്ചു നോക്കിയാലല്ലാതെ കക്ഷികൾക്കു മനസ്സിലാക്കാൻ നിവൃത്തിയില്ല. പിന്നീടു അതു തിരുത്തുകയെന്നുള്ളതും പ്രയാസമാണു്. അതുകൊണ്ടു മൊഴി എഴുതുന്നതു വായിച്ചുകേൾപ്പിച്ചതിനുശേഷം മാത്രമെ കക്ഷികളെക്കൊണ്ടു ഒപ്പിടുവിക്കാവു എന്നു ചട്ടം കെട്ടണം.

ജഡ്ജ്മെൻറു തുറക്കുന്നകോർട്ടിൽ പ്രസ്താവിക്കണമെന്നു ചട്ടമുണ്ടു. എന്നാൽ ഇപ്പോൾ അങ്ങിനെ നടക്കുന്നില്ല. പല കേസുകളും എന്നു വിധി പ്രസ്താവിച്ചു എന്നറിയാത്തതുകൊണ്ടു കക്ഷികൾ മുമ്പിൽക്കൂട്ടിത്തന്നെ ജഡ്ജ്മെൻറുപകർപ്പിനു അപേക്ഷിക്കേണ്ടിയിരിക്കുന്നു.

പിന്നീടു പറയാനുള്ളതു വിധി പ്രസ്താവിക്കുന്നതിൽ നേരിടുന്ന കാലതാമസത്തെപ്പറ്റിയാണു്. ഹൈക്കോർട്ടിൽനിന്നും അയച്ചിട്ടുള്ള സർക്കുലറനുസരിച്ചു കുറ്റം ഫ ഫ കാൽ മണിക്കുതന്നെ കോടതിക്കുടുന്നതായാൽ ഈ കാലതാമസത്തിനു ടവർകയില്ല. ഒരുപക്ഷെ മുൻസിഫ് ഫ ഫ മണിക്കൊ ഫ മണിക്കൊ കോടതിയിൽ വന്നിരുന്നാലും പ്രൊവറുമുറിയിൽ ഇരുന്ന ആഫീസുറിക്കാർഡുകളെല്ലാം പരിശോധിച്ചു് ഒപ്പിടാനുള്ളതെല്ലാം ഒപ്പിട്ടു രണ്ടുമണിയോടുകൂടിയാണു് ബഞ്ചിൽവരുന്നതു്. ഇതാണു കടിശിഖ അധികമാകാനുള്ള കാരണം. ഹാജികൾക്കു് അപ്പോഴു

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പ്പോൾ ബഞ്ചിൽവച്ചുതന്നെ ഉത്തരവിടുന്നതായാൽ കക്ഷികൾക്കു സൌകര്യവും കൂടിശിഖക്കു കുറവും ഉണ്ടാകും. പ്രൈവറ്റുമുറിയിൽ ഇരുന്നു സമയംകളയാതെ ഫ ഫ മണിമുതൽതന്നെ വിസ്താരം ആരംഭിക്കുന്ന പക്ഷം ഒരു കോട്ടിലും കൂടിശിഖ ഉണ്ടാകുന്നതല്ല.

MR. K. K. THOMAS (*Kottayam*) : ഫ ഫമണിക്കുതന്നെ ജോലിതുടങ്ങാൻ തടസ്സമുള്ളതു വക്കീലന്മാരുടെ കുറവൊ ജഡ്ജിയുടെ കുറവൊ ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : ജഡ്ജി ഫ ഫ മണിക്കു ബഞ്ചിൽ വന്നുതുടങ്ങിയാൽ വക്കീലന്മാർ ഫ ഫ മണിക്കുതന്നെ കോട്ടിൽ ഹാജരാകും.

ഇനി കോടതികളിൽ ഹൈക്കോടതി ജഡ്ജിമാർ നടത്തുന്ന പരിശോധനയെപ്പറ്റിയാണു പറയാനുള്ളതു്. ഒരു കോടതി പരിശോധിക്കാൻ ചെന്നാൽ ജഡ്ജി ഒരു സ്ഥലത്തിരുന്നുകൊണ്ടു ക്ലാക്കിനെയാണു് പരിശോധനക്കയക്കുന്നതു്. ഏതെല്ലാം സംഗതികളാണു പരിശോധിക്കേണ്ടതെന്നു അവക്കറിഞ്ഞുകൂടാ. എക്സിക്യൂഷൻക്ലാക്കു്, ഡിക്രിക്ലാക്ക്, എക്സാമിനർ തുടങ്ങിയുള്ളവർ സൂക്ഷിക്കുന്നതിൽ ചില പുസ്തകം മാത്രം പരിശോധിച്ചു 'തൃപ്തികരമായിരിക്കുന്നു' എന്നു രേഖപ്പെടുത്തിവയ്ക്കും. അതിനാൽ ഇപ്പോഴത്തെ പരിശോധനരീതി മാറണം. ഒരു ഹൈക്കോടതിജഡ്ജി കോർട്ടു പരിശോധനക്കു ചെല്ലുമ്പോൾ ഇന്നയിന്ന സംഗതികളെല്ലാം പരിശോധിക്കണമെന്നുള്ളതിനു് ഒരു ഫാറം പ്രിൻറു ചെയ്തുവച്ചാൽ അതാതു കാലത്തിൽ പരിശോധനയുടെ ഫലം എഴുതുന്നതിനും ഒരുതവണ പരിശോധിക്കാൻ വിട്ടുപോയ സംഗതി അടുത്ത സന്ദർശനത്തിൽ പരിശോധിക്കുന്നതിനും സാധിക്കുന്നതാണു്.

ഈ സംഗതികളിൽ ഹൈക്കോടതി നിഷ്കർഷചെയ്താൽ ജനങ്ങൾക്കു ഇപ്പോഴുണ്ടായിട്ടുള്ള സങ്കടത്തിനു പരിഹാരം ഉണ്ടാകുമെന്നാണു് എന്റെ അഭിപ്രായം.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*) : Sir, though my friend Mr. Kallur Narayana Pillai said that he did not believe that corruption among the Judicial officers was very prevalent, he admitted and pointed out several examples of irregularities. The line where irregularities begin and corruption ends or where irregularities end and corruption begins is hard to determine. Irregularities are also a sort of corruption and the Judicial officer who indulges in so many irregularities may reasonably be suspected of being corrupt also. When the Judicial officer who does not follow the rules laid down and pretends that he has been following them will, if found convenient, employ other methods also. It is very difficult to find out these things.

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[Mr. G. Raman Menon.]

The official member has been pointing out that the matter of corruption has been threshed out in the Council. But so far as Judicial officers are concerned, it has not been. We were speaking only about corruption on the part of Sub-Registrar and not about Judicial officers. It was only incidentally that the matter was referred to. I made this motion only to bring this matter to the attention of the Government and this House. With these observations, I beg leave to withdraw the motion.

The motion was, by leave, withdrawn.

Motion 316.

MR. A. K. PILLAI (*Karunagapalli*): Sir, I beg leave to move the following motion:

316. To reduce the total allotment of Rs. 7'45 lakhs under Demand XI by Rs. 10.

From the speeches that have been made here on the previous motions, we have been able to see that the administration of justice is not quite allright. My own impression about the administration of justice in Travancore is that there is no administration of justice but there is selling of justice. I will make my point clear. It has almost become a matter for money. Not that justice is bought by paying money to the Judges, but that a good deal has to be spent for getting justice. After all, justice is not got and the money that has to be spent would be disproportionate even to the value involved in the case. Administration of justice has become very compelx and too technical. It is almost a matter between two vakils to discuss and the vakils, instead of trying to help the court in arriving at justice, confound the court from the real facts of the case. When a witness is cross-examined, the vakil on the other side would rise up from time to time to prevent questions that would elicit evidence. I have got the same fear that my friend Mr. Tuppan Namputiri had when he spoke about the writing of judgments in Malayalam. I am also suggesting the overhauling of the present system. I am not quite sure whether I would be able to move the Government in the matter because we are already creators of that system. We are accustomed to that so long that we shall find it very hard to convince ourselves of the need for changing. I have got a few suggestions for making the administration of justice cheaper. In the first place, all justice must be reduced to terms of simplicity. That is, law should be simplified so that all people can understand it. The Evidence Act should be amended so as to have all the evidence brought in and not prevented. The duration of the Judges' time must be not more than five years. We have been hearing of delay and corruption and inefficiency on the part of judicial officers. Why not we appoint Judges from among capable lawyers and that for a period of not more than five years? Just as we appoint High Court Judges, why not we recruit the judiciary from able lawyers? Give them a decent salary and let them

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work honestly and very hard for five years. Send them away after that period. I think the Government will be able to save a good deal of discontented lawyers and thereby solve that problem. At the same time, we shall be able to get efficient work done. And then, another thing that I would suggest is that there must be itinerant courts. They must go from place to place. We have got sessions courts only in name. Why not they hold sessions from place to place? Mr. Raman Menon was for establishing courts in more places than we have got now. Why should we crowd all the courts in certain district centres? Why not distribute them? Why not they travel and deal justice at a cheap rate and in a convenient manner? If the Government will consider these suggestions seriously, I think they will be able to help the people. These are my suggestions and I am very anxious to hear Mr. Parameswaran Pillai on the point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think if Mr. A. K. Pillai had brought forward these suggestions in order to know what I have to say on them, he will be disappointed. I am not able to speak on these suggestions now as there was no indication of them in the cut motion. The administration of justice in Travancore is modelled on the system prevalent in the British Empire.

MR. A. K. PILLAI (*Karunagapalli*): I have suggested all the difficulties that we have got now. The Law Member must be aware of them even without my referring to them.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There may be defects. That is why I said that we are only following the system prevalent in the British Empire.

MR. A. K. PILLAI (*Karunagapalli*): Cannot we shake off the difficulties?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We can. All that I say is that I cannot speak about these at such short notice.

MR. A. K. PILLAI (*Karunagapalli*): We are not following the whole system obtaining in British India, for example, the jury system.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I have already said, the jury system was considered and not accepted by the Legislative Council.

MR. A. K. PILLAI (*Karunagapalli*): Cannot we also have that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What I say is that the system of trial by jury was considered by the Travancore Legislative Council and not accepted.

MR. A. J. JOHN (*Vaikam*): Does the jury system work well in British India?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There are differences of opinion on that point.

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MR. N. KUMARAN (*Nominated*): What does Mr. Paramesvaran Pillai say about the suggestions of Mr. A. K. Pillai to simplify the rules of evidence?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I fear that will be very bad. In ancient times, it was trial by ordeal.

MR. A. K. PILLAI (*Karunagapalli*): According to the present system, poor people cannot get any justice at all because it is so technical. What does he say to that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Both sides can engage vakils.

MR. A. K. PILLAI (*Karunagapalli*): When one party happens to be a poor party and the other a rich one, the rich man alone can get justice.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think it is correct to say that. The court of justice is there to deal justice to all alike.

MR. A. K. PILLAI (*Karunagapalli*): If the vakils confound the judges then the rich man will get the judgment in his favour because he can engage the best vakils to confound the judge.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The function of the vakil is not to confound the judge.

MR. A. K. PILLAI (*Karunagapalli*): Under the Evidence Act, it is so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not at all prepared to concede that the judges are being really confounded.

MR. A. K. PILLAI (*Karunagapalli*): What does he say about itinerant courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If by that Mr. A. K. Pillai means that the courts should be established in places where there are none already, that will be expensive.

MR. A. K. PILLAI (*Karunagapalli*): I am speaking of itinerant courts, courts travelling from place to place.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is like assizes. We are following the British Indian system. That is a matter to be tried. That has its advantages and disadvantages.

MR. A. K. PILLAI (*Karunagapalli*): Will it not be cheaper for the parties?

MR. KAYALAM PARAMESVARAN PILLAI (*Additioal Head Sirkar Vakil*): Not for the State.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): He was saying that we are following the British system. Then why not we adopt this also?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I say that it has got its advantages and disadvantages.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Why not appoint arbitrators with the sanction of the courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know whether it will be consistent with administration of justice to force the courts to do certain things. The system itself has to be changed. That must be done by means of a Bill.

MR. A. K. PILLAI (*Karunagapalli*): What does he say with regard to my point that Judges must be entertained for a period not exceeding five years?

MR. KAYALAM PARAMESVARAN PILLAI (*Additonal Head Sirkar Vakil*): We are only following the British system. The experience gained by a Judge will be lost if we ask him to go out after five years.

MR. A. K. PILLAI (*Karunagapalli*): Are we not recruiting directly to the High Court from among the lawyers and are they not entertained only for a short period?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are entertained for the usual period of age, that is up to fifty-five. It must be made out that the present system is faulty, if we are to change it.

MR. A. K. PILLAI (*Karunagapalli*): The Government will stand to gain if they change it. They need not pay pension.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think that we will then get good vakils to take up judges' posts. That again will be a question of money.

The Council adjourned at 5. 20 P. M.

N. NILAKANTA PILLAI,

Secretary to the Legislative Council.

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